

DOCKET NO: 248430US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KEN IIZUKA : EXAMINER: TSAI, T.
SERIAL NO: 10/768,088 :
FILED: FEBRUARY 2, 2004 : GROUP ART UNIT: 2624
FOR: IMAGE MATCHING SYSTEM AND :
IMAGE MATCHING METHOD AND
PROGRAM

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a reply to the Examiner's Answer dated October 16, 2008. This Reply Brief addresses the assertions made in the Examiner's Answer with respect to the original grounds of rejection.

The Examiner's Answer states that "Examiner would like to point out that claim language does not disclose anything language regarding to 'watermarking' correction. Thus, the argument by the appellant is moot." It is noted that the Appeal Brief addressed the outstanding rejection in this matter based on the interpretation of Wendt provided by the outstanding Office Action. It is agreed the pending claims are much broader than simply "watermarking correction." For example, Claim 1 recites:

a matching means for performing processing of
correction of said first image based on said correction
information generated by said correction information
generating means to generate a corrected first image,
performing a correlation comparison between said corrected
first image and said second image, and determining if the

corrected first image matches the second image based on results of said correlation processing.

The outstanding Office Action and the Examiner's Answer assert that the comparison of a first preselected pattern of data with a reference pattern stored in memory as described in paragraph 33 of Wendt is the generation of "correction information." However, the invention recited in Claim 1 generates correction information based on results of a Fourier transform and log-polar coordinate transform of first and second images, the correction information is used to correct the first image to generate a corrected first image, and the corrected first image is correlation compared to the second image to determine if the corrected first image matches the second image.

As noted in the Appeal Brief, paragraph 33 of Wendt describes that the first preselected pattern of data is compared to reference information, a deviation from the reference information is calculated, and the second preselected pattern of data is read using the calculated deviation information. The comparison of the first preselected pattern of data to the reference data in Wendt is *not* a comparison of a *corrected* first image with any other data. In fact, the deviation information of Wendt has not yet been calculated when this comparison is done. Further, the calculated deviation information of Wendt is *never* used to correct the first preselected pattern of data. Finally, the second preselected pattern of data of Wendt read using the calculated deviation information is *never* compared to any other data. Thus, neither the first preselected pattern data nor the second preselected pattern of data of Wendt can be "a corrected first image" as recited in Claim 1.

The statement in the Examiner's Answer that "Wendt teaches in paragraph 0023 to 0027 were comparing of the actual geometric configuration of the first pattern and the reference pattern. Examiner sees this as comparing." ignores the language of the claims. None of the claims simply recite "comparing." In Claim 1, a matching means performs a correlation comparison between a *corrected* first image and a second image. As noted above,

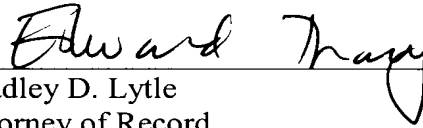
none of the comparisons in Wendt describe these features in a great a detail as recited in the claims.

Consequently, independent Claims 1, 9, 17, and 25 are believed to define over Wendt for at least the reasons discussed herein and in the Appeal Brief.

It is respectfully requested that the outstanding rejection be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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